

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-5 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejection in view of the amendments and remarks as set forth below.

Claim Objections

Claim 2 is objected to due to the use of "common specified". By way of the present amendment, Applicant has removed this term from claim 2 so that the claim now only refers to the thickness. Accordingly, this rejection is overcome.

Rejection Under 35 U.S.C. §102

Claims 1-4 stand rejected under 35 U.S.C. §102 as being anticipated by Chou (US Patent 5,671,580). This rejection is respectfully traversed.

The Examiner cited the Chou reference that shows a positioning structure for a door fastener including a vertical panel 11 with a through hole, an upper curb portion 13 and a horizontal portion 12. The Examiner states that these elements encircle a positioning area and forms a firm positioning for the door fastener. Applicant disagrees that claim 1 is anticipated by this reference.

The Chou reference shows a frame for a door or window which includes frames 2 and 3 using a right angled fastening element 1 which fastens the two parts of the door frame together. The fastening element has a connecting portion 11 and a clamp portion 12 which are perpendicular. The connecting portion has a hole formed therein so that the material from the hole can be used to form the clamp plate 13. The hole itself is of no significance in the fastening element. In particular, nothing is placed within the hole, especially a door fastener.

Thus, claim 1 describes a positioning structure for a door fastener. No door fastener is provided in Chou. If the fastening element 1 is considered to be a door fastener, since it fastens two elements of a door frame together, there is no positioning structure for this fastener. Accordingly, there is no lodge-in space for a door fastener. The lodge-in space, as used in the specification, refers to the thickness provided in a panel for receiving the door fastener.

Although the connecting portion 11 and clamping portion 12 can be considered vertical and horizontal panels, Applicant submits that the remaining limitations of the claim are not met. The connecting portion does include a through hole but does not have an upper curb portion used to position a door fastener. Also, the horizontal panel does not have side curb portions. Projecting hook

pieces 15 are used to position the clamping portion by interacting with holes 21. Thus, these elements do not curb the position of the door fastener. The claim states that the side curb portions correspond to the width of the door fastener. Since there is no door fastener, the side curb portions cannot be spaced this distance.

Furthermore, the claims states that the upper curb portion, the two side curb portions and the horizontal panel encircle a positioning area that forms a firm positioning for the door fastener when the fastener is placed in the through hole. First, there is no door fastener. Secondly, there is no placing of a door fastener through the through hole and thirdly, these four elements do not form a positioning area to firmly position the door fastener. Thus, Applicant submits that for these reasons claim 1 is not anticipated by the reference.

Claims 2-4 depend from claim 1 and such are also considered to be allowable. In addition, each of these claims recite other features, many of which are not seen in the reference. For example, claim 2 describes the relative thickness and the formation of a complimentary portion in order to accommodate the extra thickness required. This is not seen or suggested in any fashion in the reference. Claim 4 describes the complimentary portion provided at two sides in an overlapping and upward bending manner.

This is not seen in the reference. Holes 16 are screw holes and do not operate in the same manner. Accordingly, Applicant submits that claims 2-4 are additionally allowable.

Claim 5 is a new independent claim which recites the combination of the door fastener and positioning structure. This claim is also considered to be allowable based on the discussions above in regard to claim 1. Further, the Chou reference does not include the claimed door fastener and accordingly does not meet the terms of claim 5.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the reference relied on by the Examiner. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

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overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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